

06-1218-CD
Discover Bank vs Michele DeHaven

2006-1218-CD
Discover Bank vs Michele DeHaven

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DISCOVER BANK

Plaintiff

No: 06-1218-CJ

vs.

COMPLAINT IN CIVIL ACTION

MICHELLE DEHAVEN

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, 42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
436 Seventh Avenue, Suite 2718
Pittsburgh, PA 15219
(412) 434-7955
FAX: 412-338-7130
05309713 C A Pit WLG

FILED Atty pd.
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JUL 28 2006
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DISCOVER BANK

Plaintiff
vs. Civil Action No

MICHELLE DEHAVEN

Defendant

COMPLAINT AND NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET ST., SUITE 228
CLEARFIELD, PA 16830
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, is a corporation with offices at 3311 MILL MEADOW DR.
HILLIARD , OH 43026 .

2. Defendant is adult individual(s) residing at the address listed
below:

MICHELLE DEHAVEN
2085 EGYPT RD
WOCDLAND, PA 16881

3. Defendant applied for and received a credit card issued by
Plaintiff bearing the account number 5011298859761441 . A copy of
Plaintiff's Statement of Account is attached hereto, marked as Exhibit
"A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance
due and owing to Plaintiff, as of July 13, 2006 , in the amount of
\$2176.03 .

5. Defendant is in default by failing to make payments when due.

6. Plaintiff avers that the Agreement between the parties provides
that Defendant will pay Plaintiff's attorneys' fees.

7. Plaintiff avers that such attorneys' fees will amount to \$300.00 .

payment due date
June 12, 2006

\$

Please make check payable to Discover Card. You are overlimit. Pay the sum of the monthly minimum payment plus the overlimit amount of \$701.03.

13 SDSN6A01 0005783
MICHELLE DEHAVEN
2085 EGYPT RD
WOODLAND PA 16881-8813

05309713

Geo,

Consolidate bills quickly and securely with a Balance Transfer to your Discover Card - Call 1-877-353-0989 or visit Discovercard.com/balancetransfer TODAY!

Address, e-mail or telephone change? Print change in space above, or go to Discovercard.com. Print your e-mail address to receive important Account information and special offers.

PO BOX 15251 WILMINGTON DE 19886-5251

000006011298859761441022010300025000025600

Discover Card Account Summary

| | |
|-----------------------|---------------------|
| account number | 6011 2988 5976 1441 |
| payment due date | June 12, 2006 |
| minimum payment due | \$256.00 |
| credit limit | \$1,500.00 |
| credit available | \$-701.00 |
| cash credit limit | \$800.00 |
| cash credit available | \$0.00 |

Closing Date: May 13, 2006

page 1 of 2

| | |
|----------------------|--------------|
| previous balance | \$2,155.64 |
| payments and credits | - 25.00 |
| purchases | + 35.00 |
| cash advances | + 0.00 |
| balance transfers | + 0.00 |
| FINANCE CHARGES | + 35.39 |
| new balance | = \$2,201.03 |

You may be able to avoid Periodic Finance Charges, see the reverse side for details.

EXHIBIT

"A"

Cashback Bonus®

| | |
|--|---------|
| Opening Cashback Bonus Balance | \$ 0.00 |
| New Cashback Bonus Earned | + 0.00 |
| | |
| Cashback Bonus Balance Available to Redeem | \$ 0.00 |
| | \$ 0.00 |

Cashback Bonus® Anniversary
Date: June 13

Transactions

| | trans. date | post date | |
|----------------------|-------------|-----------|-------------------------------|
| Payments and Credits | Apr 22 | Apr 22 | PAYMENT - THANK YOU \$ -25.00 |
| Other/Miscellaneous | May 13 | May 13 | LATE FEE 35.00 |

Your Account is overlimit. While we are permitted under the Cardmember Agreement to charge you an Overlimit Fee, we have chosen not to do so at this time. We reserve the right to do so if, as of the close of a billing period, your outstanding Account balance exceeds your Account credit limit. See the Overlimit Fee section of the Cardmember Agreement for details.

***** ATTENTION ***** ATTENTION ***** ATTENTION ***** ATTENTION ***** ATTENTION *****
Your account is seriously past due. Payment of the amount due and arrangements for future payments should be made immediately.

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsifications to authorities, that he is Robert Adkins,
(Name)
Accounts Manager of Discover Financial Services, LLC., plaintiff herein, that
(Title) (Company)

he is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.


(Signature)

WWR # 5309713
MICHELLE DEHAVEN
6011298859761441

FILED

JUL 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101777
NO: 06-1218-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: MICHELLE DEHAVEN

SHERIFF RETURN

NOW, August 02, 2006 AT 2:25 PM SERVED THE WITHIN COMPLAINT ON MICHELLE DEHAVEN DEFENDANT AT 2085 EGYPT RD., WOODLAND, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MICHELLE DEHAVEN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

FILED
6/30 cm
Aug 15 2006

William A. Shaw
Prothonotary

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | WELTMAN | 8334016 | 10.00 |
| SHERIFF HAWKINS | WELTMAN | 8334016 | 22.45 |

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

FILED

AUG 15 2006

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-1218-CD

MICHELLE DEHAVEN

Defendant

NOTICE OF JUDGMENT OR ORDER

TO: Plaintiff
 Defendant
 Garnishee

You are hereby notified that the following
Order or Judgment was entered against you
on Aug. 25, 2006

Assumpsit Judgment in the amount
of \$2,476.03 plus costs.

Trespass Judgment in the amount
of \$_____ plus costs.

If not satisfied within sixty (60)
days, your motor vehicle operator's license and/or registration will be
suspended by the Department of Transportation, Bureau of Traffic Safety,
Harrisburg, PA.

Entry of Judgment of
 Court Order
 Non-Pro
 Confession
 Default
 Verdict
 Arbitration
 Award
 By Consent

Prothonotary

MICHELLE DEHAVEN
2085 EGYPT RD
WOODLAND, PA 16881

By: 
PROTHONOTARY (OR DEPUTY)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DISCOVER BANK

Plaintiff No.06-1218-CD

vs.

**PRAECIPE FOR ENTRY OF
JUDGMENT BY CONSENT**

MICHELLE DEHAVEN

Defendant FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#05309713

JMT. AMT.: \$ 2,476. 03

FILED
(initials)
AUG 25 2006
1/3-00/1
William A. Shaw
Prothonotary/Clerk of Courts
Clerk. w/ notice
TO DEPT

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-1218-CD

MICHELLE DEHAVEN

Defendant

PRAECIPE FOR JUDGMENT BY CONSENT

TO THE PROTHONOTARY:

Kindly enter Judgment against Defendant, Michelle Dehaven, in the amount of \$2,476.03 plus costs, based upon the consent of the parties.

CONSENTED TO:

WELTMAN, WEINBERG & REIS CO., L.P.A.,

MICHELLE DEHAVEN ,

By: 
Attorney for Plaintiff

WWR#05309713

By: 
Defendant

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-1218-CD

MICHELLE DEHAVEN

Defendant

**STIPULATION OF THE PARTIES FOR PAYMENT
AND FOR THE ENTRY OF JUDGMENT BY CONSENT**

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff and against the Defendant, Michelle Dehaven, above-named, in the amount of \$2,476.03 pursuant to the Stipulation of the Parties for Payment and for the Entry of Judgment by Consent, as follows:

1. Defendant admits indebtedness to Plaintiff in the amount of \$2,176.03 with continuing interest thereon at a rate of 6.000% per annum from date of judgment, plus attorneys' fees in the amount of \$300.00 and costs.

2. To secure the repayment of said indebtedness, Defendant agrees that Judgment by Consent will be entered in favor of the Plaintiff and against the Defendant, Michelle Dehaven, in the amount of \$2,176.03 plus continuing interest thereon at the rate of 6.000% per annum from date of judgment, plus attorneys' fees in the amount of \$300.00 and costs.

3. Plaintiff agrees not to Execute on its Judgment so long as Defendant causes to be delivered to Plaintiff the following payments in full by 12:00 NOON on the following dates:

(a) \$200.00 due by August 20, 2006;

(b) no less than \$200.00 per month due on the 20th day of each consecutive month thereafter until the Judgment amount plus accrued interest and costs are paid in full.

4. All payments are to be made payable to the order of "Discover Bank"

5. All payments due under this agreement are to be received at the offices of Weltman, Weinberg & Reis, Co., L.P.A., 2718 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219.

6. In the event of default, each payment received shall be first attributed to costs, interest and then to principal.

7. Time is of the essence of this agreement and should the Defendant fail to have in the hands of Plaintiff or Plaintiff's counsel any payment in full within five (5) calendar days of the stated due date, then Plaintiff shall be immediately free to issue Execution as well as pursue all other remedies, in law or in equity, to collect the full balance of the Judgment entered hereunder plus appropriate additional interest and costs.

8. No act or omission of the Plaintiff, nor of anyone alleged to be acting on its behalf, shall constitute a waiver, estoppel, or any other excuse for non-performance of any duty undertaken by the Defendant in this Stipulation which the parties agree is final and complete.

9. Intending to be legally bound, the parties set their hands and seals this 23 day of Aug,
20 04.

WELTMAN, WEINBERG & REIS CO., L.P.A.

By: _____

James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#05309713

By: Michelle DeHaven
Defendant, Michelle DeHaven

FILED

AUG 25 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DISCOVER BANK

Plaintiff No. 06-1218-CD

vs.

PRAECIPE FOR SATISFACTION OF
JUDGMENT

MICHELLE DEHAVEN

Defendant FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

William T. Molczan, Esquire
PA. I.D.#47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#05309713

FILED ICC & Cert
O/2: 10 LM of sat issued
OCT 01 2007 to Atty Molczan
LM
William A. Shaw Pd \$7.00 Atty
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 06-1218-CD

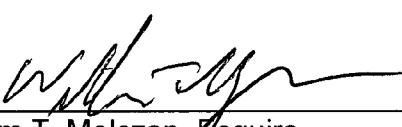
MICHELLE DEHAVEN

Defendant

PRAECIPE FOR SATISFACTION OF JUDGMENT

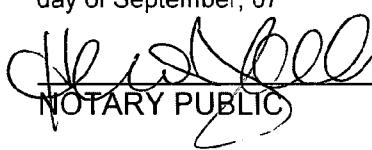
At the request of the undersigned attorneys for the Plaintiff, you are directed to satisfy the above-captioned
Judgment.

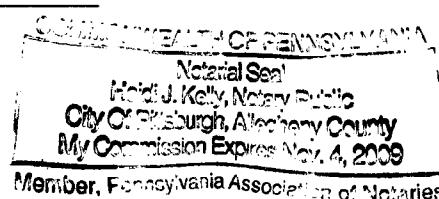
WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 
William T. Molczan, Esquire
PA. I.D.#47437
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR #05309713

Sworn to and subscribed
before me this 14
day of September, 07


NOTARY PUBLIC



4
FILED

OCT 01 2007

William A. Shaw
Prothonotary Clerk of Courts

D. 24

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2006-01218-CD

Discover Bank

Debt: \$2476.03

Vs.

Atty's Comm.:

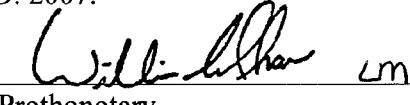
Michele DeHaven

Interest From:

Cost: \$7.00

NOW, Monday, October 01, 2007 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 1st day of October, A.D. 2007.



Prothonotary